

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

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**FORTY-SIXTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 26, 2009**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Cameron, Hill, McGee, Pearce, and Schroeder, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Kaitlyn Schrader, Page.

The Senate advanced to the Third Order of Business.

### **Reading and Correction of the Journal**

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 25, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators McGee and Schroeder were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### **Petitions, Resolutions, and Memorials**

#### **SP 101**

#### **BY STATE AFFAIRS COMMITTEE**

##### **A PROCLAMATION**

COMMENDING RONALD L. HATZENBUEHLER, PH.D.

We, the members of the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, honor Ronald L. Hatzenbuehler, Ph.D., the 2008 recipient of the Idaho Humanities Council Outstanding Achievement in the Humanities Award.

WHEREAS, Ronald L. Hatzenbuehler, Ph.D., has taught at Idaho State University since 1972, after earning M.A. and Ph.D. degrees in history at Kent State University; and

WHEREAS, in addition to a teaching career of nearly four decades, Dr. Hatzenbuehler has written and lectured to the general public on Idaho population trends, migration, political history and the legacies of presidents; and

WHEREAS, Dr. Hatzenbuehler has served as a historian and consultant for many grassroots humanities projects and programs throughout Southeastern Idaho and has participated in many humanities workshops, institutes and conferences; and

WHEREAS, Dr. Hatzenbuehler has served as a scholar in a number of Idaho Humanities Council and Idaho State Historical Society summer institutes for teachers of grades K through 12, lecturing on the United States Constitution, the Bill of Rights, Idaho history and the Lewis and Clark Expedition; and

WHEREAS, over the years, Dr. Hatzenbuehler has served on the advisory boards for the Idaho State University Press, the Idaho State University magazine "Rendezvous" and for the Idaho State Historical Society magazine "Idaho Yesterdays"; and

WHEREAS, in 2006, Dr. Hatzenbuehler published "'I Tremble for My Country': Thomas Jefferson and the Virginia Gentry" to much critical praise.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the Senate and the House of Representatives assembled in the First Regular Session of the Sixtieth Idaho Legislature, that the state of Idaho honors the life and achievements of Ronald L. Hatzenbuehler, Ph.D., and congratulates him for being the 2008 recipient of the Idaho Humanities Council Outstanding Achievement in the Humanities Award.

[SP 101](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### **Reports of Standing Committees**

Senator Cameron was recorded present at this order of business.

February 25, 2009

The JUDICIARY AND RULES Committee reports that [S 1018](#) and [S 1041](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1018](#) and [S 1041](#) and ordered them transmitted to the House for the signature of the Speaker.

February 25, 2009

The JUDICIARY AND RULES Committee reports that [S 1051](#), as amended, [S 1053](#), as amended, and [S 1017](#), as amended, as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1051](#), as amended, [S 1053](#), as amended, and [S 1017](#), as amended, as amended, were filed for first reading.

February 25, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1051](#), [S 1053](#), [H 64](#), [S 1017](#), as amended, and [H 34](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 25, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1067](#), [S 1068](#), and [S 1069](#) were delivered to the Office of the Governor at 2:34 p.m., February 25, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 25, 2009

The RESOURCES AND ENVIRONMENT Committee reports out [S 1020](#) and [S 1022](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[S 1020](#) and [S 1022](#) were filed for second reading.

February 25, 2009

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Alex Irby to the Outfitters and Guides Licensing Board, term to expire May 31, 2011.

Chris Korell to the Outfitters and Guides Licensing Board, term to expire April 20, 2011.

SCHROEDER, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 25, 2009

The HEALTH AND WELFARE Committee reports out [S 1110](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1110](#) was filed for second reading.

February 25, 2009

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointments listed

below and the Committee recommends that said appointments be confirmed by the Senate:

Mark Funaiole to the Commission on Pardons and Parole, term to expire February 1, 2012.

Bill Young to the Commission on Pardons and Parole, term to expire January 1, 2012.

DARRINGTON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 25, 2009

The EDUCATION Committee reports out [S 1078](#) and [S 1121](#) with the recommendation that they do pass.

GOEDDE, Chairman

[S 1078](#) and [S 1121](#) were filed for second reading.

February 26, 2009

The AGRICULTURAL AFFAIRS Committee reports out [S 1071](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

CORDER, Chairman

There being no objection, [S 1071](#) was referred to the Fourteenth Order of Business, General Calendar.

February 26, 2009

The EDUCATION Committee reports out [H 79](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, [H 79](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

Senator Hill was recorded present at this order of business.

February 25, 2009

Dear Mr. President:

I transmit herewith [H 121](#), [H 142](#), and [H 141](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 121](#), [H 142](#), and [H 141](#) were filed for first reading.

February 25, 2009

Dear Mr. President:

I transmit herewith Enrolled [HCR 17](#), [H 85](#), and [H 86](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 17](#), [H 85](#), and [H 86](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Jim Yost was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Cameron, seconded by Senator Werk, the Gubernatorial appointment of Jim Yost as a member of the Northwest Power and Conservation Council was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Gavin Gee was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McKenzie, seconded by Senator Kelly, the Gubernatorial appointment of Gavin Gee as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of R. John Taylor was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stegner, seconded by Senator Kelly, the Gubernatorial appointment of R. John Taylor as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1128

#### BY JUDICIARY AND RULES COMMITTEE

#### AN ACT

RELATING TO THE STATE TAX COMMISSION; AMENDING SECTION 63-103, IDAHO CODE, TO PROVIDE PROVISIONS FOR SETTLEMENT AGREEMENTS; AMENDING SECTION 63-3047, IDAHO CODE, TO PROVIDE PROCEDURES WHEN A COMPROMISE OR SETTLEMENT AGREEMENT OCCURS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 63-3048, IDAHO CODE, TO PROVIDE PROCEDURES WHEN THE TAX LIABILITY OF A TAXPAYER IS EQUAL TO OR EXCEEDS FIFTY THOUSAND DOLLARS AND A SETTLEMENT AGREEMENT OR CLOSING AGREEMENT OCCURS AND TO MAKE A TECHNICAL CORRECTION.

#### S 1129

#### BY JUDICIARY AND RULES COMMITTEE

#### AN ACT

RELATING TO THE REVISED UNIFORM ANATOMICAL GIFT ACT; AMENDING SECTION 39-3422, IDAHO CODE, TO REVISE DEFINITIONS, TO REMOVE A PROVISION REGARDING THE WITHHOLDING OR WITHDRAWING MEASURES NECESSARY TO ENSURE MEDICAL SUITABILITY OF AN ORGAN AND TO PROVIDE FOR THE RESOLUTION OF CONFLICT BETWEEN THE TERMS OF A DECLARATION OR DIRECTIVE AND THE EXPRESS OR IMPLIED TERMS OF A POTENTIAL ANATOMICAL GIFT.

[S 1128](#) and [S 1129](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 64](#), as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

[H 34](#), as amended in the Senate, by Agricultural Affairs Committee, was read the first time at length and filed for second reading.

[S 1051](#), as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[S 1053](#), as amended, by Transportation Committee, was read the first time at length and filed for second reading.

[S 1017](#), as amended, as amended, by Education Committee, was read the first time at length and filed for second reading.

[H 121](#), [H 142](#), and [H 141](#), by Revenue and Taxation Committee, were read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

[H 83](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[S 1080](#) and [S 1096](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[S 1088](#), by Transportation Committee, was read the second time at length and filed for third reading.

[S 1114](#) and [S 1115](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[S 1119](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

[S 1100](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Pearce. Total - 1.

Total - 35.

Whereupon the President declared [S 1100](#) passed, title was approved, and the bill ordered transmitted to the House.

Senator Pearce was recorded present at this order of business.

[S 1106](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1106](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1111](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—Stegner. Total - 1.

Total - 35.

Whereupon the President declared [S 1111](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1113](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Coiner, granted by unanimous consent, [S 1113](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1117](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Bair. Total - 1.

Total - 35.

Whereupon the President declared [S 1117](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Friday, February 27, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary